

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO

MICHAEL GRASSI and CFOM, INC.,

Plaintiffs-Counterclaim Defendants,

v.

JOHN GRASSI and ALOTECH LIMITED, LLC,

Defendants-Counterclaimants.

Case No. 1:18-CV-2619

JUDGE: PAMELA BARKER

**AFFIDAVIT OF REBECCA GRIFFIS IN SUPPORT OF DEFENDANTS' OPPOSITION
TO PLAINTIFFS' BENCH BRIEF CONCERNING ADMISSIBILITY OF DOCUMENTS**

Rebecca Griffis, being first duly sworn, deposes and states as follows:

1. I am over eighteen years of age and have personal knowledge of the facts set forth herein.

2. I am a paralegal the law firm of Kilpatrick Townsend & Stockton LLP.

3. Below is a table of Defendants' Trial Exhibits that include the Admitted Documents.

<u>Exhibit</u>	<u>Document</u>
DEF 59	10/22/2012 Contractor Confidentiality and Work Product Agreement between Alotech and C-FOM
DEF 64	10/25/2012 Contractor Confidentiality and Work Product Agreement between Alotech and C-FOM
DEF 66	10/25/2012 Contractor Confidentiality and Work Product Agreement between Alotech and C-FOM
DEF 97	06/14/2017 Complete Power of Attorney and Assignment Papers Package
DEF 196	Dirk Ayers email forwarded by Brent Lockwood with attached 10/25/2012 Contractor Confidentiality and Work Product Agreement between Alotech and C-FOM
DEF 293	04/20/2017 Assignment Papers
DEF 307	06/14/2017 Vicki Hawker email with attached Assignment Papers

<u>Exhibit</u>	<u>Document</u>
DEF 309	06/14/2017 Power of Attorney and Assignment Papers
DEF 313	07/17/2017 Letter from Jay Moldovanyi with enclosed as-filed Assignment Papers
DEF 315	12/11/2017 Vicki Hawker email with attached 10/25/2012 and 10/22/2012 Contractor Confidentiality and Work Product Agreement between Alotech and C-FOM

4. DEF 59, 64, 97, 313 were produced on or about May 15, 2019 during regular discovery. DEF 66 was produced on or about June 10, 2019, during regular discovery. DEF 196 was also produced on or about June 10, 2019, during regular discovery, and reproduced with reduced redactions on February 3, 2022. DEF 293, 307, 309, 315 were produced during supplemental discovery on February 3, 2022. Metadata was available in standard e-discovery .dat load files at the time each of these documents was produced.

5. To the extent Plaintiffs produced some of their exhibits with metadata on February 3, 2022, those were produced to Defendants with the same metadata load file format, .dat. The .dat metadata load file captures and preserves the same information that can be gleaned from native files.

6. During the parties Meet and Confer on November 25, the Plaintiffs asked for certain of the above exhibits to be produced in native form. I sent DEF 59, 64, 66 in their native form on November 26. I sent the remaining requested documents, including DEF 315 and the attachments to DEF 196 to Plaintiffs in native form on November 27, 2022.

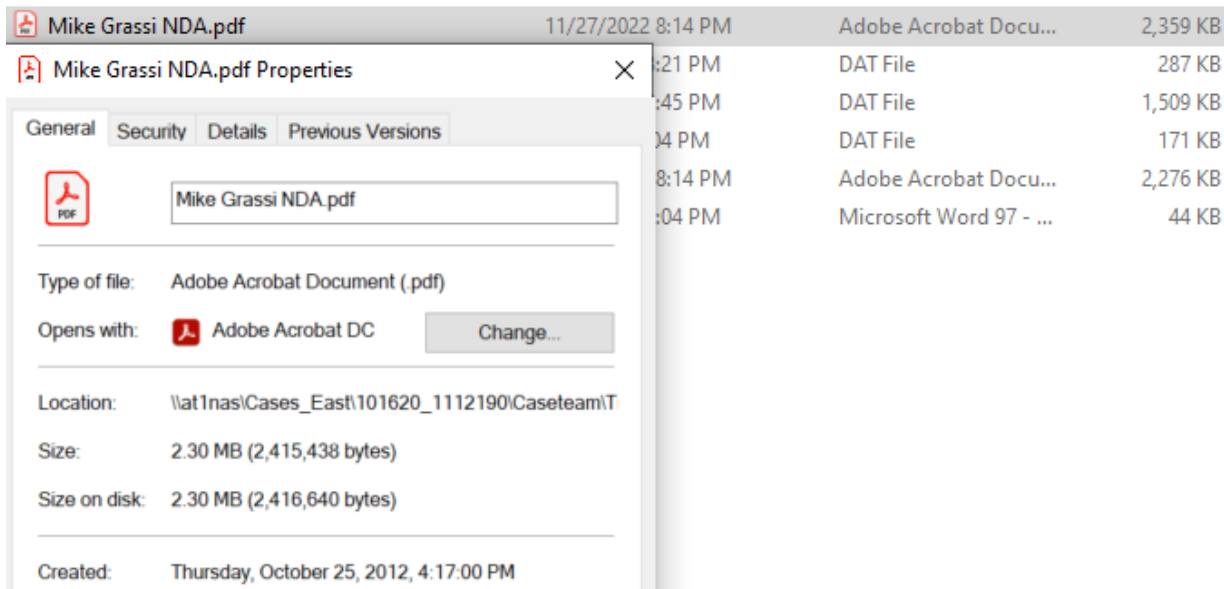
7. DEF 59 was also attached to DEF 315, a December 11, 2017 email from Vicki Hawker. The metadata produced in the metadata load file for this document shows a December 11, 2017 create date. Ex. A, excerpts of PROD008 metadata load file.

FILENAME	AUTHOR	DATE CREATED (DATE & TIME)	DATE LAST MODIFIED (DATE & TIME)
MG & CFOM.eml	vicki hawker		
CFom & Mike.pdf		12/11/2017 15:45	12/11/2017 15:45

8. The native emails for DEF 195 and 196 cannot be produced without revealing the underlying privileged attorney client communications that were redacted from the documents as produced.

9. The native PDF attachments to DEF 196 were produced to Plaintiffs' counsel on November 27, 2022, following their request during the November 25, 2022 Meet and Confer.

The document properties show an October 25, 2012 create date:



10. Additionally, the metadata produced in the metadata load file shows an October 25, 2012 Date Created. The Date Created matches the October 25, 2012 Dirk Ayers email, and the Date Modified matches the May 22, 2019 forward email from Brett Lockwood. Ex. A, excerpts of PROD008 metadata load file.

FILENAME	AUTHOR	DATE CREATED (DATE & TIME)	DATE LAST MODIFIED (DATE & TIME)
FW ndas attached.msg	Lockwood, Brett		
Andrew Tokar NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Bruce Cox NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Cody Lohse NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Dirk Ayers NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
John Collins NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
K Vito Paul NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Maggie Nelson NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Mike Grassi NDA.pdf		10/25/2012 20:16	5/22/2019 3:16
Vicki Hawker NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16

11. The minute difference between the information in the File Properties window and the metadata load file can be explained due to the way the different programs round the seconds. The difference in the create time of the attachment (4:16 p.m.) and the Dirk Ayers send time (4:14 p.m.) can be explained due to slightly different internal time clock settings on the machine used to scan versus the email server. The time difference on the face of the document (4:14 p.m.) and the metadata load file is because the document was processed using the IT standard

UTC time zone, which runs four hours ahead of Eastern Daylight Time, which ended on November 4 in 2012. (See also Local Rules Appendix K 3(c) “Additionally, the data shall be processed in UTC (Coordinated Universal Time) unless otherwise mutually agreed upon by the parties.”)

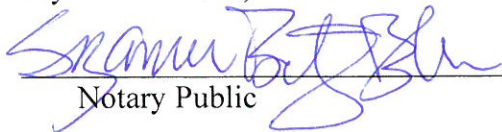
12. A copy of the June 14, 2017 patent assignment was attached to DEF 307, a June 14, 2017 email from Vicki Hawker. The metadata produced in the metadata load file shows a June 14, 2017 Date Created. Ex. A, excerpts of PROD008 metadata load file.

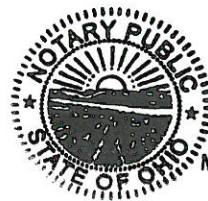
FILENAME	AUTHOR	DATE CREATED (DATE & TIME)	DATE LAST MODIFIED (DATE & TIME)
Patent Papers.eml	vicki hawker		
Ablation Patent.pdf		6/14/2017 14:16	6/14/2017 14:16

Dated: December 4, 2022


REBECCA M. GRIFFITHS

Sworn to before me this 4th
day of December, 2022


Notary Public



SUZANNE BRETZ BLUM, Attorney
Notary Public, State of Ohio
My Commission Has No Expiration Date
Section 147.03 R.C.

EXHIBIT A

BEGDOC	ENDDOC	BEGATTACH	ENDATTACH	CONFIDENTIALITY	FILE EXTENSION	PARENTID	CHILDID	FROM	TO	CC	BCC	SUBJECT	SENTDATE (DATE & TIME)	DATERECEIVED (DATE & TIME)	ATTACHMENT COUNT	ATTACHMENTLIST	FILENAME	AUTHOR	DATE CREATED (DATE & TIME)	DATE LAST MODIFIED (DATE & TIME)
Alotech-035500	Alotech-035500	Alotech-035500	Alotech-035506	Confidential;	EML		Alotech-035501	vicki hawker [vicki.hawker@alotech.biz]	Heather Preston [heather.preston@alotech.biz]	John Grassi [john.grassi@alotech.biz]		MG & CFOM	12/11/2017 15:48	12/11/2017 15:48	1	CFom & Mike.pdf	MG & CFOM.eml	vicki hawker		
Alotech-035501	Alotech-035506	Alotech-035500	Alotech-035506	Confidential;	PDF	Alotech-035500											CFom & Mike.pdf		12/11/2017 15:45	12/11/2017 15:45

BEGDOC	ENDDOC	BEGATTACH	ENDATTACH	CONFIDENTIALITY	FILE EXTENSION	PARENTID	CHILDDID	FROM	TO	CC	BCC	SUBJECT	SENTDATE (DATE & TIME)	DATERECEIVED (DATE & TIME)	ATTACHMENT COUNT	ATTACHMENTLIST	FILENAME	AUTHOR	DATE CREATED (DATE & TIME)	DATE LAST MODIFIED (DATE & TIME)
Alotech-034978	Alotech-034979	Alotech-034978	Alotech-035006	Confidential;	MSG		Alotech-034980;Alotech-034983;Alotech-034986;Alotech-034989;Alotech-034992;Alotech-034995;Alotech-034998;Alotech-035001;Alotech-035004	Lockwood, Brett [BLOCKWOOD@sgrlaw.com]	Moye, John [JMoye@kilpatricktownsend.com]			FW: ndas attached	5/22/2019 3:15	5/22/2019 3:16	9	Andrew Tokar NDA 10222012.pdf;Bruce Cox NDA 10222012.pdf;Cody Lohse NDA 10222012.pdf;Dirk Ayers NDA 10222012.pdf;John Collins NDA 10222012.pdf;K Vito Paul NDA 10222012.pdf;Maggie Nelson NDA 10222012.pdf;Mike Grassi NDA.pdf;Vicki Hawker NDA 10222012.pdf	FW ndas attached.msg	Lockwood, Brett		
Alotech-034980	Alotech-034982	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											Andrew Tokar NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Alotech-034983	Alotech-034985	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											Bruce Cox NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Alotech-034986	Alotech-034988	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											Cody Lohse NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Alotech-034989	Alotech-034991	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											Dirk Ayers NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Alotech-034992	Alotech-034994	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											John Collins NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Alotech-034995	Alotech-034997	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											K Vito Paul NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Alotech-034998	Alotech-035000	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											Maggie Nelson NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16
Alotech-035001	Alotech-035003	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											Mike Grassi NDA.pdf		10/25/2012 20:16	5/22/2019 3:16
Alotech-035004	Alotech-035006	Alotech-034978	Alotech-035006	Confidential;	PDF	Alotech-034978											Vicki Hawker NDA 10222012.pdf		10/25/2012 20:16	5/22/2019 3:16

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Alotech-035520	Alotech-035520	Alotech-035520	Alotech-035527	Confidential;	EML		Alotech-035521	vicki hawker [vicki.hawker@alotech.biz]	Jay F. Moldovanyi [jmoldovanyi@faysharpe.com]			Patent Papers	6/14/2017 14:18	6/14/2017 14:18	1	Ablation Patent.pdf	Patent Papers.eml	vicki hawker		
Alotech-035521	Alotech-035527	Alotech-035520	Alotech-035527	Confidential;	PDF	Alotech-035520											Ablation Patent.pdf		6/14/2017 14:16	6/14/2017 14:16